

REMARKS

Claims 1 and 3-10 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 103(a)

- Claims 1 and 3-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scheffer (4,032,218) in view of Itoh (EP 0457607). Applicants respectfully traverse this rejection in view of the following arguments.

Claims 1 sets forth a rotatory film that is a solid film. Since Scheffer is a liquid crystal layer, it is not a solid film as set forth in claim 1. In the Response to Arguments section, the Examiner asserts that Itoh would still teach this feature. Additionally, on page 4 of the Office Action, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to have substituted the liquid crystal cell of Scheffer with the rotatory layer of Itoh. However, one of ordinary skill in the art would not have been motivated to modify Scheffer with Itoh as suggested by the Examiner.

It is an essential requirement for the invention of Scheffer that the liquid crystal cell is a liquid-crystal state. This is necessary for the Scheffer liquid crystal cell to function as a liquid crystal cell. Therefore, one of ordinary skill would not have been motivated to substitute the liquid crystal cell of Scheffer (liquid crystal state) with the optical rotatory layer (solid) and claim 1 and its dependents are allowable over the combination of Scheffer and Itoh.

- Claims 1 and 3-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kishimoto (JP 09-329779) in view of Itoh. Applicants respectfully traverse this rejection because one of ordinary skill in the art would not have been motivated to modify Kishimoto with Itoh as suggested by the Examiner.

The Examiner asserts that one of ordinary skill in the art would have been motivated to modify Kishimoto with Itoh for azimuthal rotation. However, the Examiner has failed to sufficiently show why one of ordinary skill in the art would have desired azimuthal rotation at the particular location in the Kishimoto device. The Examiner also fails to establish that the particular location of the plate would have been obvious to one of ordinary skill in the art.

The Examiner asserts that since Itoh teaches the use of an optical rotatory layer to achieve rotation of polarization and Kishimoto discloses a polarizing member having a cholesteric liquid crystal layer and a quarter-wave plate, it would have been obvious to have put the Itoh rotatory layer in between the Kishimoto cholesteric liquid crystal layer and the quarter wave plate (*see* paragraph bridging pages 5 and 6 of the Office Action). The Examiner has failed to establish motivation for this particular location. The Examiner appears to merely assert that because Kishimoto has a cholesteric liquid crystal layer and a quarter wave plate, that it would have been obvious to put the Itoh rotatory layer between them. However, the only motivation for such a placement appears to come only from the present application. Since the Examiner has failed to identify proper motivation for the particular placement claimed, *prima facie* obviousness has not been established and claim 1 and its dependents are allowable over the combination of Kishimoto and Itoh.

Conclusion

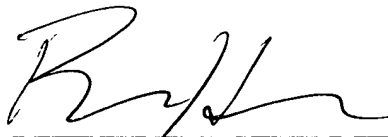
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/031,871

Q68205

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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